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Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Water Rights

JERRY D. OLDS  
State Engineer/Division Director

July 9, 2007

Lyle Taylor  
Chairman  
Ashley Creek  
2271 N 1500 W  
Vernal, UT 84078

Re: Revised Administrative Rules

Dear Lyle,

It has taken a little longer than anticipated to revise the Administrative Rules for Distribution Systems and Water Commissioners. We did receive a number of responses and appreciate the comments and suggestions that were made. The proposed rules are now ready for publication and will be submitted to the Division of Administrative Rules just before July 15<sup>th</sup>. In the annual meeting, I had indicated there was a 90-day comment period after publication. I have since learned that the comment period is 30 days not 90 days. It is anticipated that final rule publication will begin on August 1<sup>st</sup> and that the rules will be effective as of September 8, 2007.

Enclosed please find a copy of the proposed rules with the additions and revisions that have been made. The additions and revisions are based on the comments and suggestions we received. We also realized there were several issues that had not been covered and needed to be included in the rules. The additions and revisions are all highlighted in yellow in the enclosed copy.

There are two additions that I would like to bring to your attention. The first is regarding term limits for water commissioners and their deputies. After careful consideration, we have decided that appointment and service as water commissioner and deputy commissioner should be limited to those who are less than 75 years of age. There are several reasons for this decision, but we believe the most important is the need for planning.

The operation of distribution systems throughout the state is becoming more complex each year. The State Engineer and the water users on the distribution systems have a need and a responsibility to maintain an effective and efficient regulation and distribution of water. There is a critical need to prevent an abrupt and unplanned interruption in water regulation and distribution. As much as possible, each distribution system needs to have a definite plan for the effective and smooth transition from one commissioner or deputy to the next. This need to plan requires a definite cutoff date when, unless terminated for other reasons, one person's service as water commissioner or deputy commissioner ends and the next begins.

The second addition to the rules has to do with the possible appointment of a water commissioner who is an employee of one of the water users on the distribution system and who would be performing his work as water



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commissioner during his hours of employment. This is a situation that rarely occurs, however, there is a need for it to be covered in our rules. A person would be appointed under these circumstances only upon recommendation by a majority of the water users through the process described in the rules. We believe the water users would have to be satisfied there would not be a conflict of interest before they would make such a recommendation.

I am also sending a copy of the revised rules to the water commissioner. Please feel free to make these revised rules available to any water users in your distribution system who would be interested in reviewing them. If you have any questions regarding the additions and revisions please contact me by phone at (801) 538-7380 or by e-mail at [LeeSim@utah.gov](mailto:LeeSim@utah.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Lee H. Sim', written in a cursive style.

Lee H. Sim, P.E.

Assistant State Engineer  
for Field Services